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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,844	12/08/2000	Robert G. Tanner	80398.P405	2035

7590 03/22/2007  
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EXAMINER
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KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
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3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/733,844

Applicant(s)

TANNER ET AL.

Examiner

Stefano Karmis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. The following communication is in response to Applicant's Appeal Brief filed 22 November 2006.

#### ***Status of Claims***

2. Claims 1-38 are pending.

#### ***Response to Appeal Brief***

3. In view of the Appeal Brief filed on 22 November 2006, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claim 1, the Examiner finds the claim to lack a tangible result. In order to be a tangible result, the process must produce a real-world result. The final step of independent claim 1 states, "navigating through the first virtual electronic device on the display to instruct a user how to use a feature of the first electronic device." This step is not considered tangible because it could be considered to be abstract or merely encompassed in thoughts. Therefore claim 1 does not produce a real world result. Claims 2-9 contain language that also fail to produce a real world result and are therefore rejected as failing to produce a tangible result as discussed above for claim 1.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaos U.S. Publication 2003/0046689 in view of Perlman U.S. Patent 6,829,779.

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Regarding claim 1, Gaos teaches a method and apparatus for delivering a virtual reality environment through a set-top box in which a TV is used to display video and graphics to perform virtual tasks (page 6, paragraph 0092-0094); and navigating through the first virtual electronic device (set-top box) to instruct a user how to use a feature of the first electronic device (page 7, paragraphs 0099-0108 and page 11, paragraphs 0225-0229). Gaos fails to teach showing the electronic device (set-top box) on the display. Perlman teaches a user interface for entertainment system setup that displays an electronic device on a display to determine which other components may be connected and the necessary steps for connection (column 4, line 61 thru column 5, line 28). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Gaos to include the teachings of Perlman because it provides for easy connection of the set-top box to the TV. Further, Gaos teaches connection diagrams for connecting the set-top box to the TV in an effort to provide simple connections (Figures 1-6).

Claims 2, 10, 24, 25 and 28, Gaos teaches a second virtual electronic device to emulate an exchange of information between the first electronic device and a second electronic device (page 9, paragraph 0152 thru page 10 paragraph 0182). Perlman also teaches connecting a second device and displaying the two devices simultaneously to show the connection between the two devices (column 9, line 62 thru column 10, line 14).

Claims 3, 11, and 27, Gaos teaches showing a virtual eCommerce system to emulate an exchange of information between the first electronic device and an eCommerce system (page 10, paragraph 0171-0182).

Claims 4, 12, and 30, Gaos teaches showing a device map listing features of the first electronic device (page 8; See all features for virtual reality in set-top box).

Claims 5, 13 and 31, Perlman teaches showing a magnified view of the first virtual electronic device to provide a detailed illustration of a feature of the first electronic device (Figs 12-18).

Claims 6, 14 and 32, Gaos teaches showing an interactive simulation to instruct a user how to use a feature of the first electronic device (page 7, paragraphs 0099-0108 and page 11, paragraphs 0225-0229).

Claims 7, 15 and 33, Gaos teaches showing an animated sequence to instruct a user how to use a feature of the first electronic device (page 7, paragraphs 0099-0108).

Claims 8, 16 and 34, Gaos teaches a video to instruct a user how to use a feature of the first electronic device (page 7, paragraph 0100).

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Claims 18 and 19, Gaos teaches providing many business features in the virtual reality environment including simulated e-commerce transactions using credit and debit cards (page 10, paragraph 0171-0195). Gaos in view of Perlman fails to teach displaying a digital wallet. Official Notice is taken that the use of digital wallets in e-commerce transactions is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Gaos in view of Perlman to include digital wallets in the simulation of e-commerce transactions because they are often used to perform on-line shopping by a consumer.

Claim 20, Perlman teaches the first virtual electronic device comprises a virtual display and a virtual peripheral port (column 7, lines 54-60).

Claims 21-23, Perlman teaches the first virtual electronic device comprises an access device, virtual memory and virtual input devices (column 9, line 62 thru column 10, line 13 and Figs 12-18).

Claims 26 and 29, Gaos teaches a virtual electronic system shown on the display/graphical user interface (TV) to emulate the operation of an electronic system showing on the display to emulate the operation of the system and exchange of information and a graphical user interface (page 7, paragraphs 0099-0108 and page 11, paragraphs 0225-0229).

Claims 35-37, Gaos teaches the first electronic device is adapted to communicate with the processor and determines features that can be performed by the first electronic device (page 7, paragraphs 0099-0108, page 8, see list of features, and page 11, paragraphs 0225-0229).

### *Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted



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Stefano Karmis

17 March 2007

A handwritten signature in black ink, appearing to be 'Stefano Karmis', written over the date '17 March 2007'.